

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - SUP-13903 - APPLICANT: DON AHERN -
OWNER: DFA, LLC**

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 15, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.06.080 for developments that exceed the height allowed by an Airport Overlay District.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-13896), Site Development Plan Review (SDR-13904), Variance (VAR-13900), Special Use Permit (SUP-13902), and Special Use Permit (SUP-13903) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Applicant must file FAA Form 7460-1 with the FAA and receive approval prior to the issuance of a building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
6. The maximum building height shall be 248 feet.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed 246 foot tall building in the North Las Vegas Airport Overlay District on 2.61 acres on the southwest corner of Bonanza Road and Martin L. King Boulevard.

EXECUTIVE SUMMARY

Staff typically defers to the judgment of the applicable aviation officials with regard to the appropriateness of development that exceeds current height restrictions. In this case, the FAA has no objection to the proposal as flight paths will not be affected by the development. However, any changes that affect the height or airspace on the subject site must be approved by the appropriate agencies. Staff supports this request.

BACKGROUND INFORMATION

A) Related Actions

- 10/05/06 The Planning Commission recommended approval of companion items ZON-13896, VAR-13900 and SDR-13904 and denial of SUP-13902 concurrently with this application
- 10/05/06 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #13/ng).

B) Pre-Application Meeting

- 05/15/06 A pre-application meeting with the applicant was held and the following items were discussed:
- Staff informed the applicant of the submittal requirements for the required applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.61

B) Existing Land Use

Subject Property: Parking
North: Mini-Mart
South: U.S. 95
East: Sears Service Center
West: Rental Shop
Warehouse

C) Planned Land Use

Subject Property: Commercial (Downtown Redevelopment Plan)
North: SC (Service Commercial)
M (Medium Density Residential)
South: U.S. 95 ROW
East: LI/R (Light Industry/Research)
West: LI/R (Light Industry/Research)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
C-2 (General Commercial)
North: C-1 (Limited Commercial)
R-E (Residence Estates)
South: U.S. 95 ROW
East: M (Industrial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject property has a land use designation of Commercial based on the Downtown Redevelopment Plan. If the proposed rezoning to C-2 (General Commercial) is approved, the zoning and the land use designation will be compatible as they both allow for intense commercial (office, retail, etc.) development.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Downtown Redevelopment Plan Area	X	
West Las Vegas	X	
Special Overlay District	X	
Airport Overlay District	X	
Trails	X	
Pioneer	X	
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Downtown Redevelopment Plan Area

No additional development standards are placed on the project as a result of its inclusion in the Redevelopment Plan. Rather, this designation simply targets the property for increased development efforts and improves access to assistance in redevelopment.

West Las Vegas

The subject property is located on the edge of the West Las Vegas plan area. This plan focuses mostly on the revitalization of residential areas in the heart of Las Vegas, but its objectives also emphasize the importance of re-investing in deteriorating commercial centers and creating an interesting urban environment. Increasing density and the mixing of uses is also a focus of the plan.

Airport Overlay District

The subject property is located within the North Las Vegas Airport Overlay District which restricts the height of buildings to 140 feet. The proposed development, at 246 feet, exceeds this height. However, a Special Use Permit (SUP-13903) has been submitted to allow relief from this requirement.

Pioneer Trail

The Pioneer Trail is an existing trail that runs along West Bonanza Road at the northern edge of the property. No additional requirements will be placed on the applicant as a result of this trail.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	150,000 SF	1 Space / 300 SF GFA	500			
Retail	19,000 SF	1 Space / 175 SF	109			

Restaurant	1,000 SF	1 Space / 50 SF Public Seating	20			
	2,700 SF	1 Space / 200 SF Remaining	14			
Child Care Center	N/A	1 Space / Staff Person 1 Space / 10 Children	15			
TOTAL			658 (including handicap accessible)	14	662 (including handicap accessible)	15

The subject proposal will contain adequate parking to provide for the facilities and uses proposed. Of the total number of spaces, 83 (11%) are compact spaces, 15 are handicap accessible, and two are van accessible spaces. Eighty-one of the spaces are contained at ground level and exterior to the buildings. The remainder of the spaces is contained in a parking structure within the office building.

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Trash Enclosure	Gated, Roofed, Constructed of a similar material to the main structure	Trellis Covered

The trash enclosure meets current Title 19 standards.

B) General Analysis and Discussion

- **Zoning**

Applicable zoning requirements are discussed in detail in the report for the Site Development Plan Review (SDR-13904). Several variances and a waiver are requested as part of this application in order to get relief from development standards.

- Use

This Special Use Permit is not actually for a use, but is actually for relief from a development standard. Specifically, approval of this request will allow the applicant to construct a building that is taller than is currently allowed based on the North Las Vegas Overlay District. Staff supports this request as the FAA (Federal Aviation Administration) does not object to the height of the building as it will not create a hazard to air navigation.

- Conditions

1. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this subchapter may apply to the Planning Commission for a Special Use Permit. The Special Use Permit application shall be processed in accordance with the Special Use Permit procedures set forth in Subchapter 19.18.060, except that:
 - a. The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission; and
 - b. Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.
2. Notwithstanding the preceding provisions of this subchapter, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this subchapter or any amendment thereto.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The area in which the proposed building is located is slated for commercial redevelopment per the Downtown Redevelopment Plan. As such, a tower of this type and height is appropriate for the area and is compatible with the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site can accommodate land use of the intensity proposed, and such development will benefit the area.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is served by West Bonanza Road (a 100-foot primary arterial) and North Martin L. King Boulevard (a 100-foot primary arterial). These roadways are capable of accommodating the proposed facility and use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Exceeding the height allowed by the North Las Vegas Airport Overlay District will not endanger the public health, safety, or general welfare.

PLANNING COMMISSION ACTION

Condition #6 was added by the Planning Commission.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 99 by City Clerk

APPROVALS 1

PROTESTS 0